

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 46

March 11, 1999, 5:13 p.m.
Page S-2566 Temp. Record

EDUCATION MANDATE WAIVERS/Opposing Social Promotion, Grading Schools

SUBJECT: Education Flexibility Partnership Act . . . S. 280. Jeffords motion to table the Feinstein/Dorgan amendment No. 61 to the committee substitute amendment No. 31.

ACTION: MOTION TO TABLE AGREED TO, 59-40

SYNOPSIS: As reported, S. 280, the Education Flexibility Partnership Act, will expand eligibility for participation in the Education Flexibility (Ed-Flex) Program to all 50 States (currently only 12 States are eligible). Under the program, an eligible State may request that the Department of Education give it the right to grant to local education agencies waivers of certain Federal education regulatory and statutory requirements. A State that gives a waiver to a local education agency also must waive its own similar statutory and regulatory education requirements. Certain Federal regulatory and statutory requirements, including requirements relating to health and safety and civil rights, may not be waived. (Federal education funding provides between 6 percent and 7 percent of total public school funding, a third of which is for nutrition rather than education programs. The Federal Government closely controls how the funds it gives are spent, which hampers local innovation. Also, the 4 percent of funding that it gives is responsible for more than 50 percent of the administrative work in many school districts, due to the extensive paperwork requirements that come with Federal assistance.)

The committee substitute amendment would add public notice provisions, strengthen accountability provisions, and make technical corrections as agreed to by the managers.

The Feinstein/Dorgan amendment would combine two separate proposals. The first proposal, by Senator Feinstein, would be to create a new Federal program to give assistance to local or State educational agencies that bar social promotion ("social promotion" refers to the practice of advancing students to the next grade each year regardless of their academic achievement). The amendment would authorize \$500 million for each of fiscal years 2000 through 2005. Any funds given under this authorization would have to be used for programs to help students who were failing to meet academic standards required to advance to the next grade level or who were at risk of failing to meet such standards. The second proposal, by Senator Dorgan, would mandate, as a

(See other side)

YEAS (59)		NAYS (40)		NOT VOTING (1)	
Republicans (55 or 100%)	Democrats (4 or 9%)	Republicans (0 or 0%)	Democrats (40 or 91%)	Republicans (0)	Democrats (1)
Abraham	Hutchinson	Feingold	Akaka	Johnson	
Allard	Hutchison	Graham	Baucus	Kennedy	
Ashcroft	Inhofe	Leahy	Bayh	Kerrey	
Bennett	Jeffords	Wellstone	Biden	Kerry	
Bond	Kyl		Bingaman	Kohl	
Brownback	Lott		Boxer	Landrieu	
Bunning	Lugar		Breaux	Lautenberg	
Burns	Mack		Bryan	Levin	
Campbell	McCain		Byrd	Lieberman	
Chafee	McConnell		Cleland	Lincoln	
Cochran	Murkowski		Conrad	Mikulski	
Collins	Nickles		Daschle	Moynihan	
Coverdell	Roberts		Dodd	Reed	
Craig	Roth		Dorgan	Reid	
Crapo	Santorum		Durbin	Robb	
DeWine	Sessions		Edwards	Rockefeller	
Domenici	Shelby		Feinstein	1—Official Business	
Enzi	Smith, Bob		Harkin	2—Necessarily Absent	
Fitzgerald	Smith, Gordon		Hollings	3—Illness	
Frist	Snowe		Inouye	4—Other	
Gorton	Specter				
Gramm	Stevens				
Grams	Thomas				
Grassley	Thompson				
Gregg	Thurmond				
Hagel	Voinovich				
Hatch	Warner				
Helms					

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

condition of receiving any assistance under the Elementary and Secondary Education Act, that States and individual schools must prepare and widely disseminate annual "school report cards" on school performance. Specific information that would have to be included in State report cards would include information on student performance in language arts and mathematics, professional qualifications of teachers in the State, average class size in the State, school safety, the level of parental involvement, and the annual school dropout rate. Specific information that would have to be included in a school's report card would include information on how its students performed in language arts and mathematics, professional qualifications of its teachers, average class size in the school, school safety, the level of parental involvement, and the annual school dropout rate. The Dorgan proposal would also express the sense of the Senate that the Federal Government should increase IDEA funding over the next 5 years in order to reach full funding of the Federal IDEA commitment (which is to pay 40 percent of IDEA costs), and that those increases should not be made at the expense of other Federal educational programs.

Debate was limited by unanimous consent. After debate, Senator Jeffords moved to table the Feinstein/Dorgan amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

Part of this amendment, as proposed by Senator Feinstein, is for a new Federal program to give aid to States and school districts that ban social promotion. We oppose that part of the amendment because, as we have explained on several previous votes, the time and the place for considering proposals for new Federal education programs will be this summer on the reauthorization of the Elementary and Secondary Education Act (ESEA). The other part of this amendment, as proposed by Senator Dorgan, would require State report cards and individual school report cards to be prepared annually on school performance. The mandate, which would not be funded, would apply to each and every State and to each and every public school in America. While it may be a good idea for such report cards to be prepared, we do not think that it is a good idea for the Federal Government to impose a new unfunded mandate telling States and schools to prepare annual school report cards according to specific Federal standards. Therefore, we oppose this part of the amendment as well.

Those opposing the motion to table contended:

This amendment has two parts. The first part would start a Federal program to help schools that bar the practice of social promotion, which is one of the major problems with public education in America today. The practice is so prevalent that millions of Americans have graduated from high school without even being functionally literate. The States are becoming increasingly aware that social promotion should not be permitted. California, for instance, banned it just last year. Simply banning the practice will not solve the problem, however. In California, fully half of all students perform below grade level. That means that this year, unless some way is found to help those students catch up, they will be held back a grade. Holding them back will not mean that they are going to learn. They may continue to fail, and we suspect that many students will drop out rather than repeat a grade. The solution that should be followed is to start intensive efforts to help those students who are not learning rather than just leaving them behind. This amendment would adopt that approach by authorizing \$500 million annually to give to States and school districts that ban social promotion so that those States and school districts can help their failing students. The second part of this amendment would require the preparation of report cards on the performance of schools statewide and individually. Such reports should be prepared in order to promote accountability. If parents know that their schools are failing then they will be able to exert pressure for improvements. We strongly support both parts of this amendment, and thus oppose the motion to table.